

### **REMARKS**

Claims 1-11 remain in this application. Claims 1 have been amended, and claims 1, 3 and 9-11 have been amended.

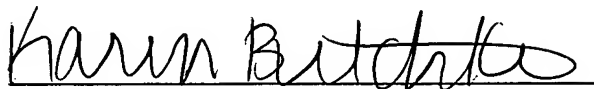
Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (WO 92/00465). Applicant has included a translation of Fischer with this response. The Examiner states that Fischer discloses a disc brake pad backplate assembly including a backplate, a pad spring having a resilient leaf-spring like mode and a second buckling mode and a retaining feature, and therefore the claimed invention is anticipated. Applicant respectfully disagrees.

The claimed invention is not anticipated by Fischer. Fischer does not disclose a pad spring having a first resilient leaf spring-like mode with a first spring rate and a second buckling mode with a second spring rate, and the first spring rate is lower than the second spring rate. Fischer discloses a pad retaining system including a lining holder 1 and a leaf spring 5. The leaf spring 5 includes recesses 21 that receive clips 19 of the lining holder 1 to secure the leaf spring 5 to the lining holder 1 (paragraph bridging page 6 of the translation). The leaf spring 5 of Fischer does not have more than one spring rate. The leaf spring 5 only operates in a leaf spring-like mode and does not operate in a buckling mode as claimed. Fischer does not disclose that the pad spring 5 has a first resilient leaf spring-like mode with a first spring rate and a second buckling mode with a second spring rate and that the first spring rate is lower than the second spring rate as claimed. The claimed invention is not anticipated, and Applicant requests that the rejection be withdrawn.

Thus, claims 1-11 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

**CARLSON, GASKEY & OLDS, P.C.**

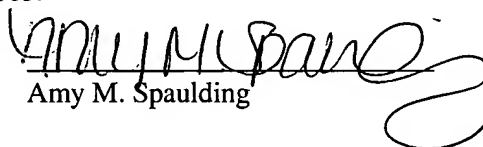


Karin H. Butchko  
Registration No. 45,864  
Attorneys for Applicant  
400 West Maple Road, Suite 350  
Birmingham, Michigan 48009  
(248) 988-8360

Dated: February 17, 2005

**CERTIFICATE OF MAILING**

I hereby certify that the attached response is being deposited with the U.S. Postal Service as First Class Mailing, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 17, 2005.



Amy M. Spaulding